

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CT-3063-FL

JONATHAN EUGENE BRUNSON,)

Plaintiff,)

v.)

ORDER

NORTH CAROLINA DEPARTMENT)

OF SOCIAL SERVICES;)

CUMBERLAND COUNTY SHERIFF)

DEPARTMENT; EARL R. BUTLER;)

C.I. HAMILTON; K.O. SPEARS;)

SHARON SMITH; C. CARROLL;)

CUMBERLAND COUNTY)

MAGISTRATE'S OFFICE; R.L.)

APPELWHITE; GEORGE FRANKS;)

LELIA GOODE-EATMON; AND)

WANDA NUNNERY,)

Defendants.)

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The matter is before the court on defendants' response to this court's order that it show cause as to why they failed to respond to the court's August 1, 2012, order directing them to file a status report regarding plaintiff's state court proceedings. Also before the court are defendants' motion for an extension of time (DE # 100) and the parties' respective status reports.¹ These matters are ripe for adjudication.

The court begins with defendants request for an extension of time to submit their belated status report. For good cause shown, defendants' motion (DE # 100) is GRANTED, and the court

¹ The court notes that plaintiff filed a timely response to the court's August 1, 2012, request for a status report.

accepts the filing of defendants' belated status report.

The court now turns to the parties' respective status reports. On August 13, 2010, the court stayed this action pursuant to Younger v. Harris, 401 U.S. 37 (1971), pending resolution of plaintiff's state criminal action. The parties agree that plaintiff's state criminal proceedings have concluded. Accordingly, the stay no longer is necessary, and the Clerk of Court is DIRECTED to lift the stay in this action. The Clerk of Court also is DIRECTED to issue an initial order in this case. Finally, to the extent defendants' status report requests dismissal of plaintiff's action, defendants' motion is DENIED without prejudice to allow defendants' to present their arguments for dismissal of this action in a properly filed dispositive motion.

SO ORDERED, this the 16th day of October, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN
United States District Judge